

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of December 4, 2009.

Reconsideration of the Application is requested.

Claims 34-45 are currently pending.

Claims 34, 40 and 42 are amended.

Claims 1-24 are cancelled.

Claims 25-33 are withdrawn.

The Office Action

Claims 34 – 45 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0049839 to Miida and U.S. Patent No. 7,126,716 to Kaufman, et al.

The present application sets forth a system and method of a low cost embedded platform for the management of peripheral device distributed services. The system and method employs a browser based user interface to remotely perform customer management of self help of customization and for enhancement of services provided to peripheral devices. The present application is also software platform independent and may be run anywhere. The peripheral devices are active participants in the process, as opposed to being passive data repositories in strict client/server architectures (see paragraphs [0064] – [0065] of the application as filed).

Miida as cited by the Examiner teaches a system, method and apparatus of collecting and providing information in which information about a copier is compiled and provided to an end user without analysis being performed. Furthermore, the cited art of Miida does not teach platform independence or remote access, or that the software is run on peripheral devices to perform product enhancements. The Examiner now relies on Kaufman for disclosing these features.

Kaufman discloses a printer that is configured to automatically transmit data, such as critical and non-critical printer data, and route that data through at least one of a plurality of communication channels and services such as email, mobile wireless equipment etc. The Examiner cites to column 7, lines 14-19, which sets forth that setting may be viewed and modified utilizing a format such as XML, and column 8, line 13-19 that sets forth that the user may download software updates to the device.

As per claim 34, the present application claims an interfacing peripheral hardware device comprising a services layer, a common device modeling agent, and a device independent services environment for executing software to perform services at run time. The peripheral hardware device performs functions in response to the execution of the software, including initiating additions of service upgrades for maintenance thereof.

Niether Miida nor Kaufman have been found to disclose a peripheral hardware device that initiates additions of service upgrades for maintenance thereof, as now set forth in the claims. For example, Miida is merely configured to send status information from a copier to a center. The status information is then analyzed in the center and is provided to a terminal of the user of the copier. Miida lacks a provision for the printer itself to initiate service upgrades.

Similarly, Kaufman appears to be directed to a printer that automatically sends data to a remote location. While the Kaufman printer can be controlled and programmed from a remote location, it has not been found to disclose the capability of initiating additions of service upgrades in combination with the other features of claim 34. Merely automatically transmitting data is not equivalent to initiating upgrade of services, as now recited in the claims.

In view of the foregoing, claim 34, and claims 35-39 dependent thereon, are believed to be in condition for allowance.

The arguments made with respect to claims 34-39 are equally applicable to the similar rejections of claims 40, 41, 42-45 and thus the same arguments are made with respect to the same rejections presented by the Examiner.

CONCLUSION

For the reasons detailed above, it is submitted all remaining claims (Claims 34-45) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

☒ Remaining Claims, as delineated below:

| (1) FOR | (2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR | | (3) NUMBER EXTRA |
|--------------------|--|--------|------------------|
| TOTAL CLAIMS | 12 | - 20 = | 0 |
| INDEPENDENT CLAIMS | 3 | - 3 = | 0 |

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ Payment for the required three-month extension of time fees are being charged to a Credit Card via the EFS Web.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account 06-0308.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Patrick R. Roche, at Telephone Number (216) 363-9000.

Respectfully submitted,

FAY SHARPE LLP


Patrick R. Roche, Reg. No. 29,580
Daniel R. Ling, Reg. No. 53,223
The Halle Building – Fifth Floor
1228 Euclid Avenue
Cleveland, OH 44115
216-363-9000

6/1/10

Date